



July 10, 2008

**BY ELECTRONIC FILING AND BY REGULAR MAIL**

Honorable Michael A. Shipp  
U.S. Magistrate, United States District Court  
Martin Luther King Building & US Courthouse  
50 Walnut Street  
Newark, NJ 07102

David R. Kott  
Partner  
T. 973.622.4444  
F. 973.624.7070  
dkott@mccarter.com

Re: Walsh Securities, Inc. v. Cristo Property Management, et al.  
United States District for the District of New Jersey  
Civil Action No. 97-3496 (DRD)

Dear Judge Shipp:

McCarter & English, LLP  
Four Gateway Center  
100 Mulberry Street  
Newark, NJ 07102  
T. 973.622.4444  
F. 973.624.7070  
www.mccarter.com

We represent the defendant Commonwealth Land Title Insurance Company in this case.

I write to request that at this time Your Honor conduct a scheduling conference, either in person or by telephone. (If the scheduling conference is done by telephone we would be glad to set up the conference call).

In particular, we request the scheduling conference to set schedules for some application/motions that are already filed or will be filed in the near future. Specifically, we request that the following issues be discussed during a scheduling conference:

BOSTON

1. We have filed a letter application with respect to the length of time of the deposition of a Rule 30(b)(6) representative of plaintiff Walsh Securities, Inc. That deposition is currently scheduled for July 16, 2008. While for reasons set forth below the deposition may be adjourned, we do wish that the Court set a schedule for briefing and disposition on our pending motion.

HARTFORD

NEW YORK

NEWARK

2. The plaintiff has filed a motion for leave to file a Fourth Amended Complaint. As part of that motion, the plaintiff seeks not only leave to file a Fourth Amended Complaint but that the Court determine that if it grants leave to file a Fourth Amended Complaint that the filing of any such Fourth Amended Complaint relates back to the filing of the original Complaint or one of the Amended Complaints previously filed by the plaintiff in this matter. That motion is scheduled for disposition

PHILADELPHIA

STAMFORD

WILMINGTON

Honorable Michael A. Shipp  
July 10, 2008  
Page 2

on July 21, 2008. Because the relation back "issue" is a significant one the plaintiff has agreed to adjourn its motion for four weeks -- which would make it returnable on August 18, 2008. (I fully realize that August 18, 2008 is not a Motion Day under the current calendar, but I believe that the Court can schedule it for disposition on that day). We would like at a scheduling conference to determine whether that adjournment is acceptable to the Court, and if so a briefing schedule for that motion. I would note that I have spoken with Amy Wagner, Esq., about the proposed Fourth Amended Complaint insofar as it appeared to me that it may have had a typographical error in the ad damnum for Count III of the proposed Fourth Amended Complaint, and if it does have a typographical error in it I would ask that the plaintiff either on the record or by letter note the typographical error so that way the record is clear on what the proposed Fourth Amended Complaint will be.

3. If the Court grants the motion to file a Fourth Amended Complaint, we would ask that the Court schedule dates for the filing of any pre-answer motions directed to the allegations in the Fourth Amended Complaint, and for the filing of any third party complaints or amended third party complaints that may be filed as a result of the filing of a Fourth Amended Complaint.
4. We have filed an Amended Third Party Complaint against third party defendants Robert Walsh and Elizabeth Ann DeMola. It is my understanding from speaking to the attorneys for those third party defendants that they will be filing pre-answer motions directed to the Amended Third Party Complaint. We would like a schedule set for the filing (and briefing) of those motions. As noted above, the deposition of the plaintiff is scheduled for July 16, 2008. In addition, the Court has previously set other deadlines in this case. If the Court grants the motion for leave to file a Fourth Amended Complaint (which may generate pre-answer motions, and will generate written discovery) the deadlines previously set by the Court may need to be adjusted. In addition, obviously the defendants do not wish to depose the plaintiff until a determination is made by the Court as to the filing of the proposed Fourth Party Complaint.

For the foregoing reasons, we respectfully request that the Court schedule a status conference to discuss with counsel the issues set forth in this letter.

I am also taking the liberty of enclosing a proposed Case Management Order that sets forth a schedule for some of the items I have discussed in this letter. If the Court does conduct a scheduling conference at this time, I thought it would be

Honorable Michael A. Shipp  
July 10, 2008  
Page 3

helpful to the Court and to counsel to have a proposed Case Management Order before the Court and counsel at any scheduling conference that the Court may conduct.

Respectfully submitted,



David R. Kott

DRK:lfj

Enclosure

cc: Robert A. Magnanini, Esq. (by electronic filing and by fax) (w/enc.)  
Edward J. Hayes, Jr., Esq. (by electronic filing and by fax) (w/enc.)  
Martin R. McGowan, Jr., Esq. (by electronic filing and by fax) (w/enc.)  
Marc D. Freedman, Esq. (by electronic filing and by fax) (w/enc.)  
All Counsel on the Attached Service List (w/enc.)

**SERVICE LIST**

**WALSH SECURITIES, INC. V. CRISTO PROPERTY MANAGEMENT, ET AL**  
**CIVIL ACTION NO. 97-3496 (DRD)**

Robert A. Magnanini, Esq.  
Boies, Schiller & Flexner LLP  
150 John F. Kennedy  
Short Hills, NJ 07078

**Attorney for plaintiff Walsh Securities, Inc. and for third-party defendant Robert Walsh**

Ronald M. Kleinberg, Esq.  
Richard A. Finkel, Esq.  
Meissner, Kleinberg & Finkel, LLP  
275 Madison Ave., Suite 1000  
New York, New York 10016

**Attorney for defendants Cristo Property Management, LTD, DEK Homes of NJ, Inc.,  
Oakwood Properties, Inc., and William J. Kane**

Michael D. Schottland, Esq.  
Lomurro, Davison, Eastman & Muñoz, P.A.  
100 Willowbrook Road  
Freehold, NJ 07728

**Attorney for Defendants National Home Funding, Inc. and Robert Skowrenski, II**

Martin R. McGowan, Jr., Esq.  
Methfessel & Werbel  
3 Ethel Road  
Suite 300  
Edison, New Jersey 08818

**Attorneys for Defendant Coastal Title Agency**

Edward C. Bertucio, Jr., Esq.  
Hobbie, Corrigan, Bertucio & Tashjy, P.C.  
125 Wyckoff Road  
Eatontown, NJ 07724

**Attorney for Defendant Michael Alfieri, Esq.**

Robert J. Reilly, III, Esq.  
Reilly, Supple & Wischusen, LLC  
571 Central Avenue  
New Providence, NJ 07974

**Attorney for defendant Michael Alfieri, Esq. on the Sixth Count**

Theodore W. Daunno, Esq.  
1033 Clifton Avenue  
Clifton, New Jersey 07013

**Attorney for Defendant Lawrence M. Cuzzi**

Mark W. Catanzaro, Esq.  
Blason IV  
Suite 208  
513 Lenola Road  
Moorestown, New Jersey 08057

**Attorney for defendants Richard Pepsny and Donna Pepsny**

Thomas D. Flinn, Esq.  
Garritty, Graham, Favette & Flinn  
1 Lackawanna Plaza, Box 4205  
Montclair, NJ 07042

**Attorney for Defendant Anthony M. Ciccalese (on certain counts of the Complaint)**

Anthony M. Cicalese, Esq.  
467 Long Hill Drive  
Short Hills, NJ 07078  
**Pro se (on certain counts of the Complaint)**

Anthony M. Cicalese  
74C Manatiales de Belen  
200 Mtrs Norte de igleseis de Ascen  
San Antonio de Belen  
Heredia, Costa Rica  
**Pro se (on certain counts of the Complaint)**

Anthony Argiropoulos, Esq.  
Fox, Rothschild, O'Brien & Frankel  
997 Lenox Drive, Bldg. 3  
Lawrenceville, New Jersey 08648

**Attorney for Defendants Fidelity National Title Insurance and Nations Title Insurance**

Edward J. Hayes, Jr., Esq.  
Fox, Rothschild, O'Brien & Frankel  
2000 Market Street  
10<sup>th</sup> Floor  
Philadelphia, Pennsylvania 19103-3291

**Attorney for Defendants Fidelity National Title Insurance and Nations Title Insurance**

Pasquale Menna, Esq.  
Kauff and Menna  
170 Broad Street  
P.O. 762  
Red Bank, New Jersey 07701  
**Attorneys for defendant Roland J. Pierson**

Marc D. Freedman, Esq.  
Freedman & Gersten, LLP  
777 Terrace Avenue, 5<sup>th</sup> Floor  
Hasbrouck Heights, NJ 07604  
**Attorney for Third Party Defendant Elizabeth Ann DeMola**

Thomas Brodo, Pro Se  
139B Fort Lee Road  
Teaneck, New Jersey 07666

James R. Brown, Pro Se  
1089 Cedar Avenue  
Union, New Jersey 07083

Richard Calanni, Pro Se  
One Old Farm Road  
Tinton Falls, New Jersey 07724

Anthony D'Apolito, Pro Se  
909 Woodland  
Wall Township, NJ 07719

Richard DiBenedetto, Pro Se  
3 Loller Drive  
Martinsville, New Jersey 08836

Stanley Yacker, Esq., Pro Se  
33 Broadway, #1  
Ocean Grove, NJ 07756-1397

William Kane, Pro Se  
6119 Kipps Colony Drive  
Gulfport, Florida 33707

Capital Assets Property Management, LLC  
10 West Bergen Place  
Red Bank, NJ 07701

Andrew I. Indeck, Esq.  
Scarinci & Hollenbeck, LLC  
1100 Valleybrook Avenue  
P.O. Box 790  
Lyndhurst, NJ 07071

**Attorney for Garden State Indemnity Co. (Legal Malpractice carrier  
for defendant Michael Alfieri)**